

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MERCK SHARP & DOHME CORP.,

Plaintiff,

v.

SANDOZ INC.,

Defendant.

Civil Action No.
3:20-cv-00783-BRM-DEA

Hon. Brian R. Martinotti, U.S.D.J.
Hon. Douglas E. Arpert, U.S.M.J.

Filed Electronically

[PROPOSED] ORDER

THIS MATTER having come before the Court upon the application of Defendant Sandoz Inc. for the entry of an order granting Defendant's Motion to Dismiss Counts 1 and 2 of Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6); having received notice and having had the opportunity to be heard; and the Court having considered all the papers filed in support thereof, all papers in opposition thereto, and any oral argument of counsel at any hearing on the motion, and good cause appearing, hereby **ORDERS** as follows:

IT IS on this ____ day of _____ 2020,

ORDERED that Defendant's Motion to Dismiss Count 1 of Plaintiff's Complaint is hereby **GRANTED** under Fed. R. Civ. P. 12(b)(1) and 12(b)(6);

ORDERED that Defendant's Motion to Dismiss Count 2 of Plaintiff's Complaint is hereby **GRANTED** under Fed. R. Civ. P. 12(b)(1); and

it is further **ORDERED** that Counts 1 and 2 of Plaintiff's Complaint are hereby dismissed without prejudice.

The Honorable Brian R. Martinotti, U.S.D.J.